



Jim Doyle, Governor
Mary P. Burke, Secretary

Wisconsin Department of Commerce, Bureau of PECFA

Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 43
Comm #: 53704-6952-10
BRRTS #: 02-13-198739
Site Name: Terminal Oil Group
Site Address: 3910 Terminal Dr , Madison, 53704
Site Manager: Wendell Wojner
Address: 3911 Fish Hatchery Rd
City, State Zip: Fitchburg, WI 53711-5367
Phone: 608-275-3297
e-mail: <mailto:wendell.wojner@wisconsin.gov>
Bid Manager: Jon Heberer
Address: 201 W Washington Ave
City, State Zip: Madison, Wisconsin 53708-8044
Phone: (608) 261-5405
e-mail: <mailto:jon.heberer@wisconsin.gov>

Bid-Start Date:	May 15, 2006
Questions must be received by (See Section 2 (B)):	May 29, 2006, 4:00 PM
Responses will be posted by (See Section 2 (B)):	June 16, 2006
Bid-End Date and Time:	June 30, 2006, 4:00 PM

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Action Legal-Madison, 1 E Main, Madison, WI 53703

Phone: (608) 663-1041

Fax: (608) 663-1045

SECTION 2 – Site-Specific Bid Requirements

A) Bid Manager Comments

1) General Comments:

The site is a 23-acre parcel of land of which 8.6 acres is within the fenced in bulk petroleum storage facility that has operated since 1960. There were a total of 15 storage tanks at the facility that stored petroleum, petroleum additives and flow through liquids associated with an oil/water separator. Five former and three existing underground storage tanks ranged in size of 500 to 10,000 gallons and seven above ground storage tanks ranged in size from 17,800 to 1,680,000 gallons. Contamination was reported in 1995 as a release of diesel fuel from underground piping.

A site investigation was conducted from October 1998 to October 1999. Twenty-nine soil borings (GeoprobeTM) were performed and nine monitoring wells and one piezometer were installed. In addition soil samples were taken during the underground storage tank removal process. After the monitoring wells were installed, six temporary monitoring wells were installed.

The soils are silty sand, sand with silt, silty clay, with occasional silt and peat layers. The groundwater was at 6-8 feet bgs and the flow is to the northwest with a horizontal gradient of 0.002-0.004 ft/ft. The hydraulic conductivity ranged from 7.6×10^{-3} to 2.3×10^{-2} cm/sec.

Both soil and groundwater contamination is present at the site. There was free product in the former monitoring well MW-7.

The site was in Bid Round 14 and the Remedial Requirements were dealing with the contaminant source control, removal of free product and monitoring the groundwater for a period of time to evaluate the remedial efforts.

Approximately 870 tons of petroleum contaminated soil was removed and confirmation samples were taken. Monitoring well MW-7 was replaced. Free product has been observed in replacement well MWR-7 and in MW-5. The levels of contamination in the site groundwater have not been decreasing or stable.

2) Minimum Remedial Requirements:

Contaminated soil should be remediated by means of soil excavation and appropriate treatment or disposal. All piping and electrical lines must be located and supported during the excavation activity. Excavation activities require an appropriate level of care, which may require use of hand equipment, so as to not damage the piping and electrical lines. The area of excavation shall include, but not be limited to, the area around boring KP-5 and an area described by borings KP-1, HP-1, KP-4 and S8. The approximate areas to be excavated is shown on attached site map. A minimum estimate of 2500 tons of contaminated soil must be excavated, treated and/or disposed. The use of field screening instruments or other appropriate technology is required to help guide the excavation and potentially segregate clean excavated soil from contaminated soil. On page 2 of the bid response, bidders shall provide contingency unit rates (commodity costs only) for both excavation/disposal costs in the event more or less soil is actually removed and/or segregated. If a future change order is needed to modify the cost cap, Commerce will use the bid unit rates for the modifications.

The excavation shall extend to the water table to a depth of 8 feet bgs, and should be back-filled with the clean soils segregated during excavation activities, and similar type of imported, clean material. Backfilling activities shall include proper compaction. Confirmation base and sidewall soil samples must be collected in accordance with DNR guidelines. Soil samples must be analyzed for PVOCs and naphthalene.

Following excavation activities replace the asphalt removed with an equivalent asphalt cover. For the purposes of the bid, bidders shall assume replacing an area of 400 square feet. On page two of the bid response, bidders shall provide contingency unit rates (commodity costs only) in the event more or less asphalt is replaced. If a future change order is needed to modify the cost cap, Commerce may use the bid unit rates for the modifications, but may also request copies of actual commodity invoices to confirm the exceedance amounts.

A groundwater monitoring program shall be implemented to attempt to demonstrate plume reduction via remedial effort and/or natural attenuation. A minimum of two years of semi-annual groundwater sampling is required. Groundwater elevations shall be collected from all monitoring wells. Groundwater samples shall be collected from monitoring points MW1, MW2, MW3, MW4, MW5, MW6, MW7, MW8, MW9, PZ1 for the analysis of petroleum volatile organic compounds (PVOCs) and Naphthalene. The natural attenuation indicator parameters shall be conducted on an annual basis.

Wells	Frequency	Parameters
MW3, MW4, MW6, MW8	Annual	PVOCs, plus naphthalene
MW1 MW2, MW5, MW7, MW9, PZ1	Semi- annual	PVOCs plus naphthalene
All monitoring wells (MW1 MW2, MW3, MW4, MW5, MW6, MW7, MW8, MW9, PZ1)	Annual	Natural Attenuation indices

* Remediation by Natural Attenuation parameters. Bidders should follow the recommended RNA parameter list found on TABLE 3-1 of the Wisconsin Department of Natural Resources *Interim Guidance on Natural Attenuation for Petroleum Releases*, PUB-RR-614, October, 1999.

**Subject to Sampling and Analysis plan review and change by DNR Project Manager. The sampling locations & parameters may be modified depending on first round sample results and recommendations of the consultant.

Any waste generated as a result of this scope of work shall be disposed of appropriately. Waste disposal costs must be included on page 2 of the bid response for each activity.

Wells containing free product should not be sampled. If free product is observed in any monitoring well, the product thickness should be measured and recorded. Immediately following the monitoring event the WDNR Project Manager and Commerce Site Reviewer shall be contacted so that free product removal action(s) may be evaluated and/or approved. For the sake of this bid the method of free

product abatement will be hand bailing. Any flammable products shall be handled in a safe and competent manner to prevent fires or explosions and properly reuses or treats discharges of recovered byproducts in compliance with applicable state and federal laws. The bidder must provide a separate line item contingency per unit cost of conducting abatement activities.

While this is not a bid to closure, there is a possibility of attaining closure at the conclusion of the work scope conducted under this bid. If upon completion of the work scope discussed above closure is appropriate, a recommendation for closure should be provided in the final summary report. If the WDNR project manager concurs and if Commerce approves bid cost, prepare and submit an updated closure report for closure consideration by the WDNR and provide a copy to Commerce. The closure request submittal for this site shall follow the updated closure request form as described on the DNR web page at www.dnr.state.wi.us/org/aw/rr. For the purposes of the bid, bidders should include all closure-related costs (including, but not limited to final well abandonment costs, closure form and narrative, GIS packet, deed restriction and maintenance plan) in their bid total. On page two of the bid response, provide a separate line item that provides the amount of the total bid cost that is associated with the closure-related costs. If closure is approved by the DNR for the site, then abandon monitoring wells and provide documentation.

On page 2 of the bid response provide a tabulation of total bid costs. The initial cost cap will be based on the on the total bid amount not including contingency costs, closure request costs and monitoring well abandonment costs. Subsequent cost caps may be determined following the successful completion of activities under the initial cost cap. Approval shall be obtained through a request to Commerce. A copy of request shall be provided to the DNR Project Manager. The subsequent cost cap will be determined using the values provided on page 2 of the bid response. The subsequent cost cap amount may then be adjusted up or down based on the outcome of the remedial activities.

Bidders shall provide costs for items in the table on the 2rd Page of the Bid Response. If a completed 2rd Page is not included with the Bid Response, the Bid Response will be determined to be non-responsive. The winning bidder will not be allowed to move costs between the scope of work items without prior Commerce approval.

Reporting

Upon completion of excavation, a detailed report documenting these activities shall be submitted to WDNR and Commerce. A brief groundwater monitoring report, which will include updated groundwater monitoring tables, groundwater measurements, groundwater contour maps, groundwater contamination extent maps and cumulative free product check and removal documentation, is to be submitted within 45 days of the receipt of the laboratory data for each event. The data shall be submitted in paper form, and in an Excel spreadsheet on computer media such as a cd or diskette.

In addition, the consulting firm holding the contract is directed to follow the following reporting requirements in Comm 47.70 (1) (a).

Within 60 days of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the

firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there maybe additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

- a. Within fourteen days of executing or terminating a contract with the RP.
- b. Three months after entering into the contract with the RP.
- c. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
- d. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
- e. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
- f. No later than 30 days after completing the work.
- g. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce at the following points:

within 60 days of submitting the report for the excavation.

Within 60 days of the annual groundwater monitoring reports

If applicable, within 90 days of the DNR closure letter.

If a claim is not submitted by the deadline described above, interest costs from the date the report is submitted to the date the claim is receive will not be reimbursed to the claimant. Claim preparation costs must be included in the bid amounts and is considered within the reimbursement cap.

3) Reporting Timeframes:

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there maybe additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

4) Claim Submittal:

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. Claim preparation costs must be included in the Total Bid Amount and is considered within the reimbursement cap.

B) Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 3 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 4 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed directly to the program. Documents received by fax will not be considered.

5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 5 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

- 1) Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
- 2) Failed to complete the scope of work in a bid in a timely manner.
- 3) Failed to follow DNR rules on the bid project.
- 4) Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
- 5) In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6) Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
- 7) Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE
(1st Page)

Department of Commerce PECFA Program

SITE NAME:
COMMERCE #:
BRRTS #:

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2790 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed above. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE
(2nd Page)

Department of Commerce PECFA Program

SITE NAME:
COMMERCE #:
BRRTS #:

Consulting Firm Name: _____

A bid will be considered to be non-complaint if the bid response does not include separate tabulation of cost for each activity.

1	Excavation and segregation of soil, confirmation sampling, treatment and disposal of contaminated soil and backfilling (includes all analytical costs).	\$	_____
2	Support of piping and electrical lines	\$	_____
3	Conduct post-remedial semi-annual groundwater monitoring for two years (includes all analytical costs and waste disposal).	\$	_____
4	Prepare semi-annual reports documenting completion of the bid work scope (including, but not limited to all documentation of all analytical results, free product thickness, free product volume removed, flow direction diagrams, and extent of contamination diagrams).	\$	_____
5	PECFA Claim Preparation		_____
6	Total Bid Amount (sum) → also include on Page 1 of bid response	\$	_____
7	Contingency cost for additional excavation and disposal of contaminated soil (per ton)	\$	_____
8	Contingency cost for additional backfill and compaction (per ton)	\$	_____
9	Contingency cost for free product/contaminated groundwater disposal (per gallon)	\$	_____
10	Contingency unit rate (commodity costs only) in the event more or less asphalt is replaced (per sq. ft.)	\$	_____
11	Contingency cost for all closure-related costs (lump sum), including but not limited to case summary and closeout form and report, GIS Registry requirements and appropriate notification to the public	\$	_____
12	Contingency cost for monitoring well abandonment	\$	_____

